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PATENT #9  
Docket No. 6137.P US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ford et al. ) Group Art Unit: 1636  
Serial No.: 09/600,392 )  
Confirmation No.: 4850 )  
Filed: September 8, 2000 )

) Examiner: G. Leffers

For: AN AUTOREGULATORY SYSTEM FOR VALIDATING MICROBIAL GENES AS  
POSSIBLE ANTIMICROBIAL TARGETS USING A TETRACYCLINE-  
CONTROLLABLE ELEMENT

RECEIVED  
FEB 25 2002  
TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed December 26, 2001, Applicants elect, with traverse, Group I (claims 1-20 and 77), drawn to a process for characterization of a microbial gene wherein the gene is controllably expressed in a microbial cell in a mammal. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

In particular were restriction to be effected between the claims of Groups I and V, a separate examination of the claims in these two groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and V would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for

**Response to Restriction Requirement**

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restriction to be effected between the claims in Groups I and V, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

Respectfully submitted for

**Ford et al.**

By

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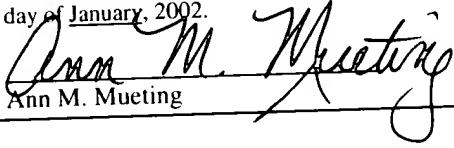
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Customer Number 26813

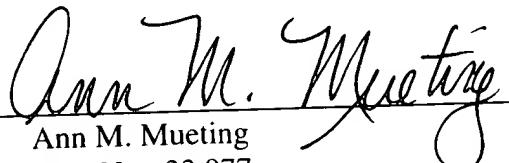
**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 28 day of January, 2002.

  
Ann M. Mueting

Date

AMM/psh

By:   
Ann M. Mueting  
Reg. No. 33,977  
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January 28, 2002

1636

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: AN AUTOREGULATORY SYSTEM FOR VALIDATING MICROBIAL GENES AS POSSIBLE ANTIMICROBIAL TARGETS USING A TETRACYCLINE-CONTROLLABLE ELEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

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We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- An itemized return postcard.  
 A Petition for Extension of Time for \_\_\_ month(s) and a check in the amount of \$\_\_\_ for the required fee.  
 An Information Disclosure Statement (\_\_\_ pgs); copies of \_\_\_ applications; 1449 forms (\_\_\_ pgs); and copies of \_\_\_ documents cited on the 1449 forms.  
 A check in the amount of \$\_\_\_, for \_\_\_.  
 A certified copy of a \_\_\_ application, Serial No. \_\_\_, filed \_\_\_\_\_, the right of priority of which is claimed under 35 U.S.C. §119.  
 Other: Response to Restriction Requirement ( 2 pgs).  
 Amendment \_\_\_ No Additional fee is required. \_\_\_ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$18 =	
Independent Claims				x \$84 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$280 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 28 day of January, 2002.

MUETING, RAASCH & GEBHARDT, P.A.

Customer Number: 26813

By: Ann M. Mueting  
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(LARGE ENTITY TRANSMITTAL UNDER RULE 1.8)